US Army Corps of Engineers

SAN FRANCISCO DISTRICT

PUBLIC NOTICE

NUMBER: 24761S DATE: 23 October 2000

RESPONSE REQUIRED BY: 23 November 2000

Regulatory Branch
211 Main Street
San Francisco, CA 94105-1905

PROJECT MANAGER: Bob Smith Phone: (415) 977-8450/E-mail: rsmith@smtp.usace.army.mil

1. **INTRODUCTION:** The City of Pittsburg, 65 Civic Avenue, Pittsburg, California, 94565, has applied for a Department of the Army permit to discharge fill to construct channel improvements to Kirker Creek to alleviate flooding of State Route 4 at Loveridge Road in the City of Pittsburg, Contra Costa County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PROJECT DESCRIPTION:** The City of Pittsburg (City) is proposing to improve stormwater management on Kirker Creek north of California Avenue (See attached drawings) to alleviate flooding at the State Route 4 (SR4)/Loveridge Road interchange and in neighborhoods and along roadways adjacent to Kirker Creek.

The SR4 corridor is the major east/west transportation corridor through northern Contra Costa County. Since the early 1950s, flooding of SR4 in the vicinity of the Loveridge Road interchange has been a recurring problem. Recent flooding events occurred in 1982, 1983, 1997, and three times in 1998. During the 1997 and 1998 flood events the storm drainage system and associated pump station at the Loveridge Road interchange could not handle the volume of water and sediment. The subsequent flooding closed SR4 for several days. Rerouting of traffic through local streets impeded emergency response throughout the region and caused severe traffic congestion.

In 1998, Caltrans constructed a double 2.4 by 3.1 meter (m) reinforced concrete box culvert under SR4 and California Avenue to supplement the existing 1.8 m pipe culvert through which Kirker Creek flows. Currently these culverts cannot be used because the channel downstream of the culverts does not have sufficient capacity to handle full flow through the culverts.

To provide flood protection to a 100-year storm event, the City is proposing to widen the creek channel; line the channel with concrete where necessary; modify, replace, or supplement roadway and railroad bridges and culverts; and construct a storm water detention basin on Pittsburg Properties land to the south of the Union Pacific Railroad (UPRR). In conjunction with this project, the City would raise and widen the PAH from Columbia Avenue to Arce Lane to alleviate flooding in this depressed section of the highway.

The work would be carried out as follows:

Segment 1 - MLK Jr. Elementary School Property

The creek currently runs in an incised channel (1.5 m wide, 2 m deep) that meanders between the school and multiple residential properties on Diane Avenue before entering a culvert at the west entrance to the school. The City has determined that due to the narrow width of this segment (30 m) the only way to avoid impacting the school and the adjacent homes is to construct a10 m wide concrete lined channel with 2:1 slopes. (See sheet X-5)

Segment 2 - Pittsburg Properties

The existing creek runs north through a 2.1 m culvert for 270 m and outlets just 45 m from the Union Pacific Railroad Bridge. A new double box culvert

would replace the first 60 m of the existing culvert. An open 50 m wide trapezoidal earth channel would replace the remainder of the culvert and existing channel downstream to the UPRR Bridge. An off stream detention basin would be constructed to the east of the channel. The basin would be designed to take off peak flows only. The existing culverts at the UPRR Bridge would be extended. New box culverts would be bored and jacked under the UPRR Bridge and trenched through the Pittsburg/Antioch Highway (PAH). (See sheets WI-1, X-3, 4)

Segment 3 - USS POSCO Property

The creek currently flows parallel to the PAH through a 3 m wide trapezoidal earth channel. This would be replaced with a 24 m wide earth channel containing a low flow channel and bench. An additional culvert would be added at the Loveridge Road crossing. Property constraints at Loverage Road require a narrower channel with bank protection.

The project area would be revegetated with a suite of native trees, shrubs, and herbs appropriate to the area to create riparian woodland, annual grassland and cattail marsh. The type of habitat created would mimic and enhance the existing habitat along the creek corridor. The applicant anticipates that birds and amphibians would benefit as a result of the project, due to the increased wetlands and long-term increase in vegetative cover.

It is anticipated that maintenance of the flood control channel would require periodic desilting and vegetation removal in the channel bottom. Desilting is anticipated to happen every 2 to 5 years and would be scheduled for late summer during the low flow period. The work would occur when the channel capacity decreases to the point that the design flow is compromised.

3. **STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for state water quality certification to the San Francisco Bay Regional Water Quality Board within 30 days of the date of this public notice, the Corps may consider this application withdrawn. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this public notice.

4. **PRELIMINARY ENVIRONMENTAL ASSESSMENT:** The Corps of Engineers has assessed the environmental impacts of the action proposed in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), and pursuant to Council on Environmental Quality's Regulations, 40 CFR 1500-1508, and Corps of Engineers' Regulations, 33 CFR 230 and 325, Appendix B. Unless otherwise stated, the Preliminary Environmental Assessment describes only the impacts (direct, indirect, and cumulative) resulting from activities within the jurisdiction of the Corps of Engineers. The documents used in the preparation of this Preliminary Environmental Assessment are on file in the Regulatory Branch, Corps of Engineers, 333 Market Street, San Francisco, California.

The Preliminary Environmental Assessment resulted in the following findings:

a. IMPACTS ON THE AQUATIC ECOSYSTEM

(1)PHYSICAL/CHEMICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Substrate - The existing aquatic substrate would be excavated and/or buried throughout portions of the project, adversely affecting bottom dwelling organisms. This is a long term, or in some cases permanent, adverse impact. This impact would be offset by the increase in amount of open water channel.

Erosion/Sedimentation Rate - The existing bank protection at the right angle turn in the creek at the PAH is severely damaged. Repair of this would reduce erosion and down stream sedimentation. This is considered a long term beneficial impact

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Wetlands (Special Aquatic Site) - Cattail marsh occurs in small discontinuous patches in portions of segment 1 and 3. All vegetation in segment 3 is removed every 2 to 4 years as part of routine maintenance. The patches have minimal wildlife value due to their small size and disturbance by humans, automobiles and maintenance activities. However, they do provide some habitat value for reptiles and amphibians. Approximately 0.2 acre would be removed. As mitigation approximately 2.3 acres of marsh would be created. Adverse impacts to wetlands are considered to short term and minor.

Endangered Species - No impacts to any federally listed endangered species have been identified at this time. However, the Kirker Creek watershed has been proposed as critical habitat for the California red-legged frog. The Corps will confer with the Fish and Wildlife Service on impacts to the proposed critical habitat.

Habitat for Fish, Other Aquatic Organisms, and Wildlife - The creek currently has low to moderate wildlife habitat value. Much of the creek bed in the project area is seasonally dry, making Kirker Creek unsuitable fish habitat downstream of the PAH. The substrate of the creek contains primarily a sandy, silty bottom; unstable banks and minimal riparian vegetation. The creek is adjacent to a major arterial roadway and surrounded by industrial facilities. Completion of the project mitigation should improve wildlife habitat as the plantings mature. Adverse impacts are considered to be short term and minor to moderate.

b. IMPACTS ON RESOURCES OUTSIDE THE AQUATIC ECOSYSTEM

(1) PHYSICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Air Quality - Project activity would have minor, short-term impacts on air quality in the vicinity of the project site. Based on the relative minor size of the proposed project and limited to an evaluation of air quality impacts only within Corps of Engineers' (Corps) jurisdictional areas, the Corps has determined that the total direct and non-direct project emissions would not exceed the de minimis threshold levels of 40 CFR 93.153. Therefore, the proposed project would conform to the State Air Quality Implementation Plan (SIP) for California.

(2) BIOLOGICAL CHARACTERISTICS AND ANTICIPATED CHANGES

Riparian Habitat (Not in Corps Jurisdiction) - Riparian vegetation is densest within segment 1 of the project, which supports mature Fremont cottonwood, live oak, black oak, willow and box elder along the creek. A remnant of riparian woodland along the culverted section of segment 2 has a similar composition. Annual grasses and wild rye dominate the riparian understory. Segment 1 and 2 contain approximately 3.7 acres of riparian habitat. To mitigate for the loss of riparian habitat approximately 5.5 acres of riparian woodland would be created within the channel. The goal of the mitigation is to

have a minimum of 120 trees at the end of five years. The loss of riparian habitat is considered to be a long-term moderate adverse impact. The proposed mitigation, if successful, would compensate for the loss as the planted trees mature.

(3) SOCIOECONOMIC CHARACTERISTICS AND ANTICIPATED CHANGES

Public Health and Safety - Reduction of flooding in the street and neighborhoods adjacent to Kirker Creek would be a long-term, major beneficial impact for public safety.

Traffic/Transportation - Reduction of flooding on Highway 4 would be a long-term, major beneficial impact.

(4) HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES

A Corps of Engineers archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

c. SUMMARY OF INDIRECT IMPACTS

None have been identified.

d. SUMMARY OF CUMULATIVE IMPACTS

None have been identified.

e. CONCLUSIONS AND RECOMMENDATIONS

Based on an analysis of the information available, Corps of Engineers has determined that additional data is needed before the significance of the impacts upon the quality of the human environment can be determined. No decision regarding the need for an Environmental Impact Statement (EIS) can, therefore, be made until the Final Environmental Assessment (EA) has been completed.

5. **EVALUATION OF ALTERNATIVES:** Evaluation of this activity's impact on the public interest will also include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act, 33 U.S.C. Section 1344(b).

6. **PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts that the proposed activity may have on the public interest requires a careful weighing of all those factors that become relevant in each particular case. The benefits that reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors that may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

7. **CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the

public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

8. **SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this notice and should be forwarded so as to reach this office within the comment period specified on page one of this notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this notice, or by contacting Bob Smith of our office at telephone 415-977-8450 bsmith@smtp.spd.usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided on request.